

## IN THE CLAIMS

Please amend the claims as follows:

*Sub B3* (Currently Amended) A ~~computer readable medium containing a program gateway~~ for preventing overload in a ~~packet telephony gateway~~, the program comprising instructions for of gateway resources, comprising:

a processor receiving a CPU utilization threshold input; detecting when an incoming telephone call is received; receiving both a present CPU gateway utilization value input and a gateway utilization threshold;

the processor determining, when a new incoming telephone call is denoted as being received, whether a number aspect of setting a call deny flag when the present CPU gateway utilization value input is larger than a number aspect of a CPU the gateway utilization threshold input, and if so for setting a deny flag; and

the processor detecting an incoming call and immediately and permanently refusing the incoming call if when the deny flag is set.

*Q1* 2. (Currently Amended) ~~The medium of claim 1, wherein~~

~~the incoming call input sets a ring flag when a new incoming telephone call is received, and~~

~~the present CPU utilization value input is updated when the ring flag is set. The gateway according to claim 1 wherein the gateway utilization threshold is set to a value below a total available processing capacity of the gateway to ensure calls currently established on the gateway have access to additional gateway processing resources.~~

3. (Currently Amended) A method for preventing overload in a ~~packet telephony gateway processing device~~ receiving incoming telephone calls, comprising:

setting a CPU Central Processing Unit (CPU) utilization threshold of a CPU of the gateway;

when an incoming telephone call is received, comparing a present CPU utilization value with the entered CPU utilization threshold; and

if immediately and permanently refusing the incoming call when the present CPU utilization value is larger than the threshold, refusing the incoming call.

4. (Currently Amended) The method of claim 3, ~~wherein setting is by issuing a setting command, and by saving an aspect of the setting command in NVRAM~~ including setting the CPU utilization threshold to an amount enough below a maximum CPU processing capacity to account for additional processing required for currently established calls.

5. (Original) The method of claim 3, further comprising determining a CPU utilization threshold of a CPU of the gateway before setting.

6. (Original) The method of claim 5, wherein setting is by issuing a setting command, and by saving an aspect of the setting command in NVRAM.

7. (Currently Amended) A computer-readable medium containing a program for preventing overload in a packet telephony gateway, the program comprising:

a CPU utilization threshold input;

an incoming call input when a new incoming telephone call is received;

a present CPU utilization value input;

gauging software for determining, when a new incoming telephone call is denoted as being received, whether a number aspect of the present CPU utilization value input is larger than a number aspect of a CPU utilization threshold input, and if so for setting a deny flag; and

call refusing software for the packet telephony gateway to immediately and permanently refuse the incoming call if the deny flag is set.

8. (Original) The medium of claim 7, wherein

the incoming call input sets a ring flag when a new incoming telephone call is received, and

the present CPU utilization value input is updated when the ring flag is set.

9. (New) The gateway according to claim 2 wherein the gateway utilization threshold is set to about 70 percent of the total available processing capacity of the gateway.